

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

January 10-14, 2000

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-10	OPP	98,607	Chock Full O'Nuts Corp. v. Calgene, Inc.	Hanak* Hairston Bottorff	2(d); counterclaim for cancellation on grounds of non-use of trademark as registered, non-use of trademark on goods recited in the registration, and abandonment through assignment without good will	Petition to Cancel Granted; Counterclaim for Cancellation Denied	"FLAV-R-SAVR" [coffee]	"FLAVR SAVR" [fresh fruits and vegetables; seeds]			No
1-13	OPP (SJ)	93,163	Health Net v. Mid-America Health Network, Inc.	Simms Cissel Quinn [Opinion "By the Board"]	counterclaim for cancellation on grounds of fraud in the procurement of opposer's registration [Note: <i>Opposition was earlier sustained on opposer's motion for summary judgment</i>]	Counterclaim for cancellation denied [Opposer's motion for summary judgment granted]	"HEALTH NET" [health maintenance organization services]	"HEALTHNET" [health care rate negotiation services, etc.]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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1-13	OPP (SJ)	94,072	Health Net v. Mid-America Health Network, Inc.	Simms Cissel Quinn [Opinion "By the Board"]	2(d); counterclaim to cancel on grounds of fraud in the procurement of opposer's registration	Opposition Sustained [Opposer's motion for summary judgment granted]; Counter-claim for Cancellation Denied	"HEALTH NET" [medical and hospitalization insurance underwriting]	"HEALTHNET HORIZONS" [mental health care cost containment and utilization review services, etc.]			No
1-13	EX (R)	75/109,738	Fleet Mortgage Group, Inc.	Cissel Hairston* Wendel	2(e) (1) and 2(d)	Request for Reconsideration Denied [Refusal affirmed under 2(e)(1); refusal reversed under 2(d)]		EXPEDITER [home mortgage loan programs which provide expeditious credit approval without an underlying security property, or expeditious credit approval with an underlying security property]	EXPEDITE SERVICES and design [banking services]	Hines	No
1-13	EX	75/200,113	Immersive Design, Inc.	Simms Bucher* Rogers	2(e)(1)	Refusal Affirmed		"INTERACTIVE PREASSEMBLY" (in stylized lettering) [computer software for use by engineering and manufacturing companies to communicate product form and function through visualization or animation of product design]		G. Clark	No

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1-13	EX	75/176,395	Motor City Sunroofs, Inc.	Cissel Hairston Holtzman*	2(d)	Refusal Reversed		"MCS" (in design format) [wholesale distributorship of sunroofs]	"MCS" [pneumatic tires]	Turner	No
1-13	EX	74/732,385	Karen L. Giblin	Simms Hanak* Quinn	2(d)	Refusal Reversed		"PRIME PLUS" [educational services, namely, providing workshops, lectures, conferences and classes on the subject of menopause, directed to menopausal women]	"PRIME REHAB" [educational services, namely, conducting classes, seminars, conferences, individual sessions and workshops in the field of psychology and medicine covering physical and psychological recovery from injury and other medical problems for medical professionals and patients]	Switzer	No
1-13	EX	75/247,107	The Peak Technologies Group, Inc.	Hanak* Hohein Holtzman	2(d)	Refusal Affirmed (as to both cited registrations)		"NUCLEUS STOCK AUDIT" (and design) [computer software designed to manage warehouse inventories and computer hardware used therewith, namely, bar code readers and user manuals sold therewith]	"NUCLEIS" [computer programs used in connection with managing information for equipment tracking, maintenance processing and materials processing]; "NUCLEUS" [computer programs and computer programs with data processing apparatus, all for use with a computer for data management]	F. Smith	No

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1-13	EX	74/621,411	Paul A. DeRidder	Simms Hohein McLeod*	2(e)(2)	Refusal Affirmed		"PARK CITY" [beverages, particularly drinking water and soft drinks]		Front	No
1-13	EX	75/287,214	Associated Grocers, Inc.	Simms Cissel Hohein*	2(d)	Refusal Affirmed		"CR CONSUMER READY PRODUCTS" (and design) [food products, namely, meat; wholesale distributorships in the field of food products]	"CONSUMER READY" [pork]	T. Lee	No
1-13	EX	75/217,869	Angels of Love, Inc.	Simms* Hanak Holtzman	2(d)	Refusal Affirmed		"ANGELS OF LOVE" (and design) [pins, pendants, necklaces and earrings, always featuring an angel motif, sold exclusively through independent sales associates]	"ANGEL D'AMOUR" [jewelry, watches, precious gemstones and objects of art made from or including precious metal, namely, paperweights, key fobs, buttons, buckles, cigarette cases, cigar cases, manicure sets and vanity cases]	Lawrence	No
1-13	OPP	106,125	Horphag Research Ltd. v. Douglas G. Mann	Seeherman Walters Wendel*	2(d)	Opposition Sustained	"PYCNOGENOL" [dietary and nutritional supplements]	"CRANOGENOL" (in stylized lettering) [nutritional supplements prepared with extracts of cranberries]			No
1-13	OPP	103,014	Royal Crown Co., Inc. v. Total Body Research & Development Ltd.	Seeherman Hanak* Holtzman	2(d)	Opposition Sustained	"DIET RITE" [soft drinks, including dietetic soft drinks]	"DIET RIGHT SYSTEMS" [food supplements containing minerals, vitamins, and proteins]			No

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1-13	EX	75/209,917	Triada, Ltd.	Cissel Wendel* Holtzman	2(d)	Refusal Reversed		"NGRAM TRANSFORM" [computer utility software and user manuals sold as a unit for information analysis, namely, pattern recognition, database design, and data compression]	"TRANSFORM VSAM" (in stylized lettering) [computer software providing automated conversion of mainframe-based sequential access databases to relational databases, residing on mainframe or midrange hardware platforms]; "TRANSFORM GATEWAY" (in stylized lettering) [computer software providing interface among software conversion tools]; "TRANSFORM 2000" (in stylized lettering) [computer software providing automated location of two digit date fields, records and references in computer databases and programs and conversion of the same to four digit date fields, records and references]	R. Clark	No

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